

REMARKS

This response is submitted within the two months extension period from the response date indicated in the above identified Office Action of June 2, 2006. A fee in the amount of \$225.00 is enclosed herewith, and this paper comprises of a petition for extension of time within which to submit this response. Any additional fees may be charged to Deposit Account No: 13-0235.

Applicant has cancelled all claims in this case, without prejudice, and in keeping with the telephone election made on May 25, 2006. Original claims 1-4 were elected, but are cancelled herein, and rewritten as newly submitted claims 23-26 inclusively.

Claims 1 and 2 stand rejected on the basis of High (4,074,905), the Examiner pointing out that no structure is recited to distinguish the present invention from the prior art as represented by High.

Claim 1 has been rewritten as claim 23 to incorporate the limitations from cancelled claims 1 and 2, and in addition to define specifically the open field required as an element of the present invention, such that the batter can readily see the flight of a struck baseball, as for example is the case in a typical golf driving range.

Original claims 3 and 4 have been rejected as unpatenable over High in view of Battersby (6,612,942). The Examiner invoking 35 U.S.C § 103(a) in the outstanding Office Action.

High (4,074,905) does not show or suggest providing the pitching machine in an open field, and providing a batting cage having no front side between the batter and pitching machine in order to allow the batter to strike each ball as it is pitched and to drive the ball into a wide area to the left and the right of the pitching machine.

High suggests the need to provide the baseball hopper adjacent to a pitching machine located in the cage itself. In the claimed combination, the hopper is provided at the batting station, rather than at the pitching machine, and a ball escapement mechanism provided adjacent to the hopper so that each ball can be delivered in turn to the pitching machine from the batting station and "pitched" toward the batter. This allows for convenient control of each pitch to be made, by the batter at the batting station.

High shows a belt conveyor for retrieving the balls from a "gutter" and raising each ball to the height required for the pitching machine. In accordance with the present invention, the ball is delivered by air pressure from the batting station to the pitching machine without need of periodic refilling of a hopper, that is remotely located from the batting station.

Finally, High also suggests providing a coin box 36 at the batting station and means for adjusting the ball's trajectory at the batting station as well. However, applicant's improvement allows for a predetermined allocation of balls to be purchased at a central location, such as from a coin operated machine, by the batter before the batter enters the batting station. The batter then dumps his allocation of baseballs into the hopper and the process for transporting each ball in turn to the pitching machine, for "pitching" to the batting station is under his control. Any balls not struck by the batter need not be returned to the pitching machine or its hopper, but can instead be collected for use by new customers or batters.

In conclusion, a very significant advantage realized by the present invention resides in the provision of an open field for the pitching machine without the need for a customer or perhaps an employee of the facility, to refill individual hoppers associated with each pitching machine at each individual "batting cage." Instead, the customer/batter can himself provide an allocated number of baseballs in the hopper at the batting station. The batter can actually see the trajectory of a baseball that is delivered to the batting station by the pitching machine, and that he successfully hits into "fair" territory.


Application No.: 10/501,368

Response to Office Action dated June 2, 2006

Amendment and Request for Extension of Time dated October 30, 2006

The foregoing represents a substantial improvement over prior art batting systems generally, since such systems require an enclosed batting cage, rather than a forwardly open batting cage that not only allows the ball to be delivered from the pitching machine to the batting station, but also allows the ball, once struck by the batter, to be unrestricted in its flight, provided only that the ball be struck into "fair" territory.

Respectfully submitted,

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